

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:98CR299-MU

UNITED STATES OF AMERICA)	
)	
vs.)	ORDER
)	
THEODORE HOWZE, JR.)	
_____)	

This matter is before the court upon the defendant's *pro se* "Leave to File Expedite Motion to Secure Relief as Avers by this Honorable Court During Sentencing that the Defendant should be Designated as Near as Possible to His Family." In his motion, the defendant points out that at his sentencing hearing, the court recommended that he be designated to a facility as close as possible to his family. He was ultimately designated to F.M.C. Lexington in Kentucky, approximately 400 miles from his family. The defendant seeks to have the court direct the Bureau of Prisons to transfer the defendant to an institution closer to his family. However, the court has no power to force the BOP to transfer the defendant. All the court can do is make a recommendation as to defendant's designation, which it did. Beyond this, the BOP has the discretion to designate and transfer the defendant.

IT IS THEREFORE ORDERED that defendant's motion is hereby DENIED.

Signed: December 22, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

